

**Notice of Allowability**

Application No.

10/625,368

Examiner

Carolyn T. Blake

Applicant(s)

RICCI, DONATO L.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 9 June 2005.
2. ☒ The allowed claim(s) is/are 1,3-5,7-9 and 14.
3. ☒ The drawings filed on 23 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- Claim 1, line 7: "wear adjustment bearings" has been changed to - -wear adjustable bearings- -.
- Claim 1, lines 19-20: "a third helical gear is mounted on the idler shaft and a fourth helical gear is mounted" has been changed to - -a third helical gear mounted on the idler shaft and a fourth helical gear mounted- -.

### ***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance:

The claims are allowable because the prior art fails to teach a slitting saw with a housing including a bottom cover plate, gearbox case, bearing case, and a bevel gear case as set forth in claim 1.

Regarding claim 1, Blank (3,709,624) discloses a slitting saw used to cut an opening in a pipe comprising: a housing (2); a cutting blade apparatus (12); and a drive assembly enclosed in the housing (2) for rotating said cutting blade apparatus (12), the drive assembly including a gear train including a series of shafts including a drive shaft (28) journaled by bearings (42/46), an idler shaft (74) journaled by third and fourth bearings (78/84/94), and a cutter shaft (110) journaled by fifth and sixth bearings

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(104/120/122) each of said shafts being journaled in their respective bearings for rotation in said housing wherein the cutting blade apparatus (12) is operatively coupled to the cutter shaft (110), said gear train having a first gear (bevel gear 32) mounted on the drive shaft (28) and coupled in driving relation to a second gear (bevel gear 72) mounted on the idler shaft (74) wherein the first and second gear mesh so as to impart rotation to the idler shaft (74); and a third helical gear (76) mounted on the idler shaft (74) and a fourth helical gear (100) mounted on the cutter shaft (110) and meshing with the third helical gear (76) so as to transfer rotational motion from the idler shaft (74) to the cutter shaft (110), said drive assembly further including a drive motor (4) for rotating the gear train. Blank fails to disclose a first and second bevel gear. Hendrick discloses the inclusion of additional gears in the gear train creates a greater mechanical advantage (col. 3, lines 38-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide additional gears to the gear train, as disclosed by Hendrick, on the Blank device for the purpose of creating a greater mechanical advantage. In addition, Blank fails to disclose a first and second helical gear, but rather discloses bevel gears. Johnson discloses helical gears can be used on perpendicular shafts. Helical gears are strong and quiet while in motion (col. 1, lines 6-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a first and second helical gear, as disclosed by Johnson, on the Blank device because helical gears can be used on perpendicular shafts and are strong and quiet. However, the Blank-Hendrick-Johnson combination

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fails to teach the housing claimed, including a bottom cover plate, gearbox case, bearing case, and bevel gear case as set forth in claim 1.

These references by themselves or in combination with the other prior art cited fail to teach the claimed invention set forth in claim 1.

### ***Conclusions***

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CB

July 20, 2005



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